

Appl. No.: 09/458,602
Amdt. dated 01/25/2006
Reply to Office action of 07/26/2005

REMARKS

This response is submitted with a request for three months extension and appropriate fee in reply to the outstanding Office Action dated July 26, 2005. Claims 1-15 currently stand rejected. Applicant has amended independent claims 1 and 9 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

Priority

The Official Action states that Applicants have not complied with the conditions for receiving the benefit of the filing date of U.S. Provisional Application No. 60/111497 under 35 U.S.C. 119(e). Specifically, the Official Action asserts that the provisional application does not teach that "no additional configuration software (or no additional authentication software) need be installed on the user's computer to access the destination network." Applicants respectfully disagree with this analysis and submit that U.S. Provisional Application No. 60/111497 included several attachments, at least one of which provides clear support for either of the objectionable phrases listed above. Specifically, Attachment H included U.S. Patent Application No. 08/816,174 entitled Nomadic Translator or Router (i.e. gateway device of the present application). Attachment H recites in the Summary or Disclosure of Invention section "the Location Transparency support in the Nomadic Router prevents users from having to reconfigure (e.g., IP and gateway address) their network device (laptop) each time they move to a new network device (host)." Additionally, in the first paragraph under the heading "Location Independence", Attachment H discloses that the gateway device "removes any burden on the user for device reconfiguration (e.g. IP address configuration, gateway or next hop router address, netmask, link level parameters, and security permissions) or data transmission." In light of these disclosures which were included in U.S. Provisional Application No. 60/111497, Applicants submit that ample support exists for either of the phrases previously found objectionable. Furthermore, Applicants have amended independent claims 1 and 9 to include the

Appl. No.: 09/458,602
Amdt. dated 01/25/2006
Reply to Office action of 07/26/2005

language no additional configuration software need be installed, which finds more direct support in the language of Attachment H.

Accordingly, for the reasons stated above, Applicants respectfully request the benefit of the filing date of the provisional application be granted.

Claim Rejections - 35 USC §103

Claims 1-2, 7, 9 and 11-14

Claims 1-2, 7, 9 and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,253,327, hereinafter, "Zhang") in view of Bartoli et al. (U.S. Patent No. 6,047,268, hereinafter "Bartoli").

Applicant has amended independent claims 1 and 9 to recite, *inter alia*, no additional configuration software need be installed on the user's computer to access the destination network and any other network. In other words, regardless of which network a user wishes to access, no configuration software will need to be installed onto the user's computer. Such feature grants location independence to the user via the gateway device of the claimed invention. For example, a user may access any network from an airport terminal, a hotel room, or a kiosk without installing additional software to the user's computer. The concept of location independence without reconfiguration is embodied in independent claims 1 and 9 by allowing access to a particular destination network and any other network without a need to install additional configuration software. It is submitted that neither of the references, either alone or in combination, teaches or suggests such a feature.

Zhang is directed to a single step network logon. Applicants agree with the assertion of the Office Action that "Zhang does not expressly disclose a system wherein no special authentication software need be installed on the user's computer to access a destination address." Furthermore, Applicants submit that Zhang fails to teach or suggest no additional configuration software need be installed on the user's computer to access the destination network and any other network as claimed in independent claims 1 and 9.

Appl. No.: 09/458,602
Amdt. dated 01/25/2006
Reply to Office action of 07/26/2005

The Office Action cites Bartoli as curing the deficiency of Zhang. Applicants respectfully disagree with this assertion, and furthermore have amended independent claims 1 and 9, as stated above, to further patentably distinguish the claimed invention from Bartoli. Bartoli is directed to allowing authentication transactions to be performed via use of "cookies" to permit a user to conduct follow-on transactions without further installation of special software on the user's client terminal. However, Bartoli discloses that a browser which supports cookie files must be installed (col. 3, lines 45-46). Thus, upon initial access to a network service employing Bartoli's disclosure, the user may be required to install additional configuration software. Furthermore, Bartoli discloses that automatic authentication for subsequent transactions only works for subsequent use by a particular browser at a particular client terminal (col. 6, lines 19-32). In other words, if a user should move to a different client terminal or use a different browser, installation of additional reconfiguration software will be required. Contrary to the claimed invention, which allows access to any network without reconfiguration, Bartoli only allows access to a previously subscribed and thus, pre-configured network service (col. 5, lines 47-50). Additionally, a user of Bartoli's system is bound to one client terminal and one browser. Thus, Bartoli does not contemplate mobility of the user such that different networks may be encountered without need to reconfigure the user's computer as claimed in the claimed invention. Instead, Bartoli requires a user to remain immobile and not change his/her browser to avoid adding special software. Accordingly, Bartoli does not teach or suggest no additional configuration software need be installed on the user's computer to access the destination network and any other network.

Additionally, Bartoli discloses reconfiguration of the user's computer with each transaction. As stated above, Bartoli is directed to allowing authentication transactions to be performed via use of "cookies" to permit a user to conduct follow-on transactions without further installation of "special" software" on the user's client terminal (col. 3, lines 42-47). There is no definition in Bartoli of "special" software and no indication that such exclusion is of configuration software. Instead, Bartoli discloses that with each transaction, the user's browser program installs a new cookie on the user's computer (col. 2, lines 65-67). Each cookie includes a static and dynamic information portion (col. 5, lines 24-27). The dynamic portion of the

Appl. No.: 09/458,602
Amdt. dated 01/25/2006
Reply to Office action of 07/26/2005

cookie contains a random number generated by a billing server and a sequence number (col. 5, lines 29-37). With each transaction, a new cookie having an incremented value is installed on the user's computer by the billing server (col. 5, lines 32-44). The new cookie contains information to be "used by the user's browser for authentication of the user for a next transaction" (col. 2, lines 60-65). Accordingly, if the value can be matched for a subsequent transaction, the transaction is seamlessly authenticated. It is easily understood from the teaching of Bartoli, that the information to be "used by the user's browser" in each new cookie configures the user's computer for seamless authentication at a subsequent visit (see col. 5, line 60 to col. 6, line 6 and col. 2, lines 60-65). In fact, it is this very configuration and reconfiguration, done in an iterative manner, which allows Bartoli's system to perform its function (see col. 3, lines 15-23). For example, if a cookie is stolen, installed and used by a non-authorized entity, such non-authorized entity will receive the benefit of reconfiguration permitting seamless subsequent use (see col. 6, lines 41-54). Meanwhile, the authorized user will be directed to verify his/her identity since the authorized user's computer is no longer configured for seamless subsequent authentication (see col. 6, lines 54-59). In response to proper verification of his/her identity, the authorized user is again configured for subsequent seamless authentication, while the non-authorized entity is now not properly configured for subsequent seamless authentication (see col. 7, lines 2-5). Accordingly, Bartoli does not, either in the cited passage relied upon by the Office Action, nor in any part of its disclosure, teach or suggest no additional configuration software need be installed on the user's computer to access the destination network and any other network.

Since Zhang and Bartoli each fail to teach or suggest the aforementioned features of independent claims 1 and 9, any combination of Zhang and Bartoli also fails to teach or suggest the subject matter of independent claims 1 and 9. Thus, Zhang and Bartoli, taken either individually or in combination, do not anticipate, or render independent claims 1 and 9 obvious. Claims 2, 7 and 11-14 depend either directly or indirectly from a respective one of independent claims 1 and 9, and as such, include all the recitations of their respective independent claims. The dependent claims 2, 7 and 11-14 are therefore patentably distinct from Zhang and Bartoli, individually or in combination, for at least the same reasons as given above for independent

Appl. No.: 09/458,602
Amdt. dated 01/25/2006
Reply to Office action of 07/26/2005

claims 1 and 9.

Accordingly, Applicants respectfully submit that the rejection of claims 1-2, 7, 9 and 11-14 as being unpatentable over Zhang in view of Bartoli, is overcome.

Claims 3-6, 8 and 15

Claims 3-6, 8 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of Bartoli, and further in view of Lim et al. (U.S. Patent No. 6,434,619, hereinafter "Lim").

As stated above, neither Zhang nor Bartoli teaches or suggests that no additional configuration software need be installed on the user's computer to access the destination network and any other network as recited in independent claims 1 and 9. Lim also fails to teach or suggest such feature and is not cited as such. Since Zhang, Bartoli and Lim each fail to teach or suggest the aforementioned features of independent claims 1 and 9, any combination of Zhang, Bartoli and Lim also fails to teach or suggest the subject matter of independent claims 1 and 9. Thus, Zhang, Bartoli and Lim, taken either individually or in combination, do not anticipate, or render independent claims 1 and 9 obvious. Claims 3-6, 8 and 15 depend either directly or indirectly from a respective one of independent claims 1 and 9, and as such, include all the recitations of their respective independent claims. The dependent claims 3-6, 8 and 15 are therefore patentably distinct from Zhang, Bartoli and Lim, individually or in combination, for at least the same reasons as given above for independent claims 1 and 9.

Accordingly, Applicants respectfully submit that the rejections of dependent claims 3-6, 8 and 15 as being unpatentable over Zhang in view of Bartoli, and further in view of Lim, are overcome.

Appl. No.: 09/458,602
Amdt. dated 01/25/2006
Reply to Office action of 07/26/2005

CONCLUSION

In view of the amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

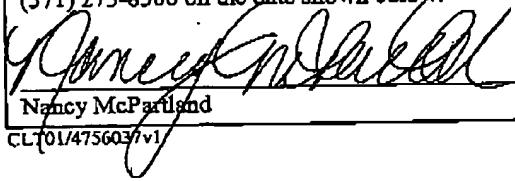


Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below:



Nancy McPartland
CLT 01/25/2006 v1

1-25-06
Date